

Serial No. 10/077,543  
Attorney Docket No: 2049 PUS

### REMARKS

Claims 1-20 were pending. Claims 13-20 are allowed. Claim 21 has been added. The Examiner indicated that claims 11 and 12 would be allowable. Claims 11 and 12 have been incorporated into claims 1 and 5, respectively, which should therefore be allowable.

The Examiner has rejected claims 9 and 10 as obvious over Marovskis (US 5076457) in view of Gyenge (US 4674647). Claim 9 recites that the axes of rotation of the second opposed side walls are in a plane generally parallel to the bottom wall. In Marovskis, the hinges of the two walls are in different planes. As shown in Figure 2 of Marovskis and as described at col. 5, lines 18-20, "the plane in which the hinge 40 lies is spaced from the plane in which the hinge 42 lies."

Claim 10 also recites, "the second opposed walls are not parallel to the base member when in the inwardly collapsed position," while claim 9 (from which 10 depends) recites, "when oriented in an inwardly collapsed position, the second opposed walls overlap with each other in a parallel orientation." The second opposed walls being parallel to one another, but not parallel to the base, when in the inwardly folded position is not shown or suggested by Marovskis or Gyenge.

Additionally, the Examiner acknowledges that Marovskis does not show two pair of opposed walls (Marovskis claims "two opposing open sides," e.g. claim 1). First, there is no motivation for adding another pair of walls to the Marovskis crate. Additionally, there is no motivation for how to add another pair of walls to the Marovskis crate without interfering with the folding operation and the locking function (projections

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49 and apertures 48) that are objectives of the Marovskis design. The second pair of walls as disclosed in Gyenge could not be added to the Marovskis crate without interfering with the projections 49 and apertures 48 and interfering with the folding of the walls. Therefore, these claims are not obvious over Marovskis and Gyenge.

Applicant has added new claim 21, which is similar to allowed claim 1, but includes that the projection member be formed on one of the second walls. Claim 21 should be allowable.

Please charge \$86 to Deposit Account No. 50-1984 for one additional independent claim. If any additional fees are due, please charge all fees to Deposit Account No. 50-1984.

Respectfully submitted,



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